Civil Revision 125 of 2005
With
Stay App. No. 11017 of 2005

Hon. P.C. Pant, J.

No one turned up in this revision yesterday on behalf of the revisionist. Even today there is none present for the revisionist.

Shri Bindesh Kumar Gupta, Advocate is present for respondent Nos. 1 to 5.

The revisionist has challenged orders dated 23.07.2005, 03.09.2005 and 30.09.2005 passed by Judge Small Cause Court / Addl. District Judge / II F.T.C., Nainital in S.C.C. Suit No. 03 of 1995 whereby the applications of respondent No. 6 were rejected. The present revisionist who was plaintiff No. 2 was transposed as defendant No. 2 on the request of rest of the plaintiffs.

Learned counsel for the respondent Nos. 1 to 5 argued that there is no illegality in the impugned orders as Order 1 of the Code of Civil Procedure is applicable to the proceedings of the Small Cause Court Suits and not excluded by Order 50 of the Code. The reasons for transposing the plaintiff as defendant No.2 are well discussed in the impugned order dated 23.07.2005, which suffers from no illegality.

As such the revision is dismissed. (the stay application also stands disposed of)

(P.C. Pant, J.)

Dt. 07.02.2006
HN